

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Response Transmittal

JFW

In re application of: Jaek

Serial No.: 10/810,478

Filed: 03/26/2004

For: RECONFIGURABLE TRUCK BED OR VEHICLE BODY

Mail Stop Amendment
 Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:



Transmitted herewith for filing in the above-identified Application is a:

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No additional fee is required.

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Any patent application processing fees under 37 C.F.R. §1.17.

Date: April 4, 2005

Respectfully submitted,

By *David E. Allred*
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Docket No. JAEC-10213

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

AMENDMENT

Applicant:	Jaeck	Docket No.:	JAEC-10213
Serial No.:	10/810,478	Group Art Unit:	9769
Filed:	03/26/2004	Examiner:	Gordon, Stephen T.
TITLE:	RECONFIGURABLE TRUCK BED OR VEHICLE BODY		

Mail Stop Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the Restriction Requirement mailed March 3, 2005, the Examiner stated that the application contains claims directed to three distinct groups of inventions, the first group, claims 1-8, which is drawn to a subcombination platform, classified in class 108, subclass 51.11; the second group, claims 9-14, which is drawn to a truck bed, classified in class 296, subclass 26.03; and the third group, claims 15-30, which is drawn to a combination vehicle and accessory, classified in class 296, subclass 1.07. The Examiner required the applicant to elect a single disclosed group for prosecution on the merits.

I HEREBY CERTIFY THAT THE CORRESPONDENCE TO WHICH THIS STATEMENT IS AFFIXED IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, POSTAGE PAID, AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER OF PATENTS, P.O. Box 1450, ALEXANDRIA, VA 22313-1450, ON: April 4, 2005

SIGNED: Christy Braun

Christy Braun

Applicant hereby elects for prosecution on the merits Group III, which is drawn to a combination vehicle, as represented by claims 15-30.

Applicants request that claims 1-14 be canceled so that applicant may file them in a later divisional application.

The Examiner further required the applicant to elect a species of vehicle configurations from among Fig. 1 vs Fig. 3 vs Fig. 5 vs Fig. 7 vs Fig. 9 vs Fig. 10A vs Fig. 10B vs Fig. 10J vs Fig. 11A.

In response to this requirement Applicant hereby elects the embodiment of Figures 9 and 10B for prosecution on the merits, which embodiment is drawn to a box wall utility vehicle. This embodiment is represented in claims 15-21 and 27-30. While claims 22-26 may be withdrawn in response to this election, Applicant elects to retain claims 22-26 in the application for consideration when a generic base claim is allowed. It should also be noted that the embodiment of Figure 9 is the same embodiment as shown in Figure 10B, as clearly stated on page 14, lines 19-20. The figures show the box wall utility vehicle from two different angles. Including the views of both Figures 9 and 10B is needed for examination purposes in order to show details that are not shown in only one view. For example, Figure 9 shows accessory receivers formed by frame members 76 on an inside of the box wall of the utility truck while Figure 10B does not.

These two Figures (9 and 10B) are illustrative of an important aspect of all of the embodiments of the present invention; that aspect being the interchangeability of multiple distinct accessories. A few of these accessories are shown as elements 91, 93, 95, 102, and 105 in Figure 10B. The subject application discloses that a major advantage is achieved by the capability of the present invention to accommodate any of a variety of accessories based on choice and selection by a user. (See the specification at: page 2, lines 9-25; page 3, lines

7-8; page 6, lines 3-4; page 9, lines 13-15 (for teaching of reconfigurability); page 14, lines 19-24; and page 15, lines 4-5; and claims 16 and 28.) Hence, the Applicant holds that there should be no restriction among the various accessories that are disclosed as being selectively supportable in the receivers singly or in a variety of combinations.

The Examiner has further stated that if Figures 10A or 10B are selected, then election between subspecies of accessory configuration as shown in Fig. 10A vs Fig. 10B vs Fig. 10C vs Fig. 10D vs Fig. 10E vs Fig. 10F vs Fig. 10G vs Fig. 10H vs Fig. 10I is required.

Applicant traverses and holds that this requirement should not be upheld for the reasons set forth in the paragraph immediately above. However, if the Examiner upholds the requirement to elect among subspecies of accessory configuration, then Applicant hereby elects the subspecies configuration shown in Figure 10B.

If any fees, including extension of time fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: April 4, 2005

By 

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